

Message

From: Geselbracht, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=BC375806A9EA4394BA2418872DCE3838-JGESELBR]
Sent: 5/3/2017 11:08:20 PM
To: Goforth, Kathleen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0821ccf0ea9e4c18a3d2a583158b713e-KGOFORTH]
CC: Jessop, Carter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a388de803b164e1480887c784b8968d5-CJESSOP]
Subject: RE: ROD verbiage and next steps

Yes, it's related to the 404 permit, but that section is just a backward way of saying (sort of) that the 404 permit needs to be approved before they sign an MPO. They don't mention that all the other permits also need to be approved before they'll issue an MPO, but this is what FS led EPA to understand (according to Carter's paragraph 3).

Jeanne Geselbracht
Environmental Review Section (ENF-4-2)
U.S. EPA Region 9
75 Hawthorne Street
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Phone: (415) 972-3853

From: Goforth, Kathleen
Sent: Wednesday, May 3, 2017 2:37 PM
To: Geselbracht, Jeanne <Geselbracht.Jeanne@epa.gov>
Cc: Jessop, Carter <JESSOP.CARTER@EPA.GOV>
Subject: Re: ROD verbiage and next steps

I may not be remembering this correctly, but I thought that the 401 cert applies to the Corps' permit, not to the MPO approval, so, if there is no 404 permit, the 401 cert is essentially moot. Check with Liz on this.
-Kathy

Sent from my iPhone

On May 3, 2017, at 11:17 AM, Geselbracht, Jeanne <Geselbracht.Jeanne@epa.gov> wrote:

See **Section 9.3.1** below: Sentence 2 implies USFS can issue MPO if AZ does 401 cert (which they already did). But does last sentence qualify that by saying the cert is valid – for purposes of signing an MPO – only after a 404 permit is issued? Not clear if FS could sign the MPO now because there's a cert or would have to wait until after the 404 permit makes the cert valid. Wording in the ROD could be less arcane.

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From: Goforth, Kathleen
Sent: Tuesday, May 2, 2017 3:00 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>; Moutoux, Nicole <Moutoux.Nicole@epa.gov>;

Jessop, Carter <JESSOP.CARTER@EPA.GOV>; Geselbracht, Jeanne <Geselbracht.Jeanne@epa.gov>

Subject: Fwd: ROD verbiage and next steps

Rec'd from Kerwin ...

Sent from my iPhone

Begin forwarded message:

From: "Dewberry, Kerwin -FS" <kdewberry@fs.fed.us>

Date: May 1, 2017 at 5:00:13 PM PDT

To: "suriano.elaine@epa.gov" <suriano.elaine@epa.gov>, "Goforth, Kathleen" <Goforth.Kathleen@epa.gov>

Cc: "Hood, Chad C -FS" <cchood@fs.fed.us>, "Baxter, Sarah - FS" <sbaxter@fs.fed.us>, "Tafoya, Diane -FS" <dtafoya@fs.fed.us>

Subject: ROD verbiage and next steps

Hello Kathy,

Here is the information in the ROD that is still being reviewed but I am not expecting this language to change. Section 3.1 is wording from the ROD pertaining to the Decision and section 9 talks in-term of the required steps needed after the decision is signed and before a Mine Plan of Operation is generally approved.

3.1 Decision for the Rosemont Copper Project

Deliberative Process / Ex. 5

9.1 Forest Service Requirements

The proposed operations outlined in the final MPO cannot commence on NES lands

Deliberative Process / Ex. 5

9.1.2 Financial Assurance (Reclamation Bond)

A reclamation bond is a guarantee of faithful performance with the terms and conditions

Deliberative Process / Ex. 5

9.1.3 Clean Water Act 401 Certification

As stated in FSM 2817.23a, both the Forest Service and the proponent have CWA

Deliberative Process / Ex. 5

condition that the USACE issue a 404 permit for the project.

10.0 Effective Date

Deliberative Process / Ex. 5

(FSM 2817.23a).

<image001.png>

Kerwin S. Dewberry
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